

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

KIRK DEPHILLIPO, SR., )  
Petitioner, )  
v. ) Civil No. 1:09-CV-609-JAW  
WARDEN, MAINE STATE )  
PRISON, )  
Respondent. )

**AMENDED<sup>1</sup> ORDER AFFIRMING THE  
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on April 16, 2010 her Recommended Decision. The Plaintiff filed his objections to the Recommended Decision on June 17, 2010. I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore ORDERED that the Recommended Decision of the Magistrate Judge is hereby AFFIRMED.
2. It is further ORDERED that the Petitioner's 28 U.S.C. § 2254 Petition (Docket # 1) be and hereby is DENIED.
3. It is further ORDERED that no certificate of appealability should issue in the event the Plaintiff files a notice of appeal because there is no substantial showing of the denial of a constitutional right within the meaning of 28 U.S.C. § 2253(c)(2).

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<sup>1</sup> Order Amended to correct spelling of Petitioner's name.

SO ORDERED.

/s/ John A. Woodcock, Jr.  
JOHN A. WOODCOCK, JR.  
CHIEF UNITED STATES DISTRICT JUDGE

Dated this 21<sup>st</sup> day of June, 2010